

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bernard R. Brodeur : Examiner: Albert Mark Navarro

Serial No.: 09/684,883 : Group Art Unit: 1645

Filed: October 6, 2000

For: PROTEINASE K RESISTANT SURFACE PROTEIN OF NEISSERIA
MENINGIDITIS

DECLARATION

MAIL STOP: AMENDMENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Services as First Class Mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: 6-28-05
Name: Sharon McDaniel
Signature: Sharon McDaniel
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

1. Stringency conditions for performing hybridization washes were incorporated by reference to a document on Page 46 of the above-identified application. According to the application: "The stringency washes and detection steps using the chemiluminescent lumigen PPD substrate were also done as described in the DIG System's user's guide." We have amended the specification by adding the stringency wash conditions disclosed in the DIG System's User's Guide (enclosed). This amendment does not constitute new matter.
2. A copy of "The DIG System User's Guide for Filter Hybridization" (hereinafter "the User's Guide") was obtained from one of the inventors. The User's Guide has a copyright date of 1995 and was available prior to the application's earliest priority date.
3. The above-stated passage on Page 46 (see ¶1 above) of the application refers to the stringency conditions in the User's Guide. These conditions appear on Page 52, Column 2 of the User's Guide.

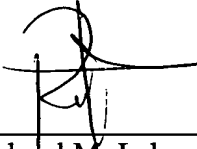
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4. The application has been amended by inserting these conditions on Page 46. See, accompanying amendment. This is not new matter. According to M.P.E.P. §2163(b): "Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed. Replacing the identified material incorporated by reference with the actual text is not new matter."

5. The amendatory material consists of the same material in the referenced User's Guide. See, M.P.E.P. §608.01(p); *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 28, 2005
Date



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